

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
MACON DIVISION**

HATTIE A. DICKERSON,

Plaintiff,

v.

**SECRETARY, DEPARTMENT OF
VETERANS AFFAIRS,**

Defendant.

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Case No.: 5:08-cv-392 (CAR)

ORDER ON MOTION TO DISMISS INDIVIDUAL DEFENDANTS

Before the Court is Defendant's Motion to Dismiss Individual Defendants [Doc. 26] from Plaintiff's claims arising under 42 U.S.C. § 2000(e) *et seq.* ("Title VII"). Specifically, Defendant moves to dismiss Plaintiff's Title VII claims against all defendants named in their individual capacities. Plaintiff did not respond to the Motion. Having considered the relevant law, the Court hereby **GRANTS** the Motion. The case will otherwise proceed.

Plaintiff filed suit on November 13, 2008. The Court granted her Motion to Amend on May 27, 2009 [Doc. 18]. She alleges that her former employer, the Department of Veterans Affairs, and several of its employees discriminated against her. In addition to the Secretary of Veterans Affairs, Plaintiff named federal employees Kelly Duke, Sue A. Preston, Sylvia Kersey, Catherine D. Forrest, Teresa L. Lindsey, James G. Hampton, Chris May, and Sesha P. Chary as defendants in their individual capacities to the Title VII claim.

The Eleventh Circuit Court of Appeals has long held that "[i]ndividual capacity suits under Title VII are . . . inappropriate." Busby v. City of Orlando, 931 F.2d 764, 772 (11th Cir. 1991). This general standard applies in suits by former federal employees. E.g., Garcia-Cabrera

v. Cohen, 81 F. Supp. 2d 1272, 1278 (M.D. Ala. 2000) (“Title VII provides aggrieved federal employees no cause of action whatsoever against co-workers or supervisors for alleged employment discrimination.”). The agency head, in his official capacity, is the only appropriate defendant in a Title VII action against the federal government. Canino v. United States E.E.O.C., 707 F.2d 468, 472 (11th Cir. 1983). Therefore, the only properly named defendant in the Title VII claim before this Court is the Secretary of Veterans Affairs. All individually named defendants are due to be dismissed.

The Court therefore **GRANTS** Defendant’s Motion to Dismiss all federal employees named in their individual capacities as defendants in Plaintiff’s Title VII claim. Kelly Duke, Sue A. Preston, Sylvia Kersey, Catherine D. Forrest, Teresa L. Lindsey, James G. Hampton, Chris May, and Sesha P. Chary are hereby **DISMISSED** as parties to this claim. The case will otherwise proceed.

SO ORDERED, this 14th day of June, 2010.

S/ C. Ashley Royal
C. ASHLEY ROYAL, JUDGE
UNITED STATES DISTRICT COURT

THC/apg